

# INDIANA SUPREME COURT BICENTENNIAL ACTIVITY

To celebrate the bicentennial, the Supreme Court is hearing a modern case in the original courtroom in Corydon on April 20. The argument presents an opportunity for a judge or lawyer to visit your classroom and speak with students about the judicial branch.

See flyer <http://www.in.gov/judiciary/files/corydon-teacher-bicentennial-celebration.pdf>

Press release is at <http://tinyurl.com/inscpr20160309>

## TEACHER RESOURCES:

**Judicial Branch of Indiana:** <http://www.in.gov/judiciary/>

### Today's Supreme Court

Today's Supreme Court has as its basis a Constitutional Amendment which was ratified by the people in 1970 and which took effect January 1, 1972. The Amendment represented an almost complete rewriting of the 1851 Constitution's Judicial Article. It removed members of the Supreme Court from partisan elections and established a process for voter confirmation before retention in office.

The present Court is served by a Chief Justice and four Associate Justices. However, the Constitution now provides that the number of Associate Justices may be increased to as many as eight by action of the Legislature. The incumbent Justices are subject to statewide yes-or-no votes on the question of their retention in office. With approval by the electorate, they begin 10-year terms, and are subject to identical retention votes at 10-year intervals in the future. Under current law, retirement is required at the age of 75 years.

Should vacancies occur on the Court or if a Justice is rejected at the polls, the Constitution requires that a seven-member Judicial Nominating Commission recommend to the Governor three qualified persons for each vacancy. The Governor must make his appointment from the three, and that person serves as a Supreme Court Justice for a minimum of two years before becoming subject to a retention vote at a General Election. If approved, he or she begins a 10-year term.

To be eligible to serve on the Supreme Court, a person must have been admitted to the practice of law in Indiana at least 10 years or have served at least five years as a trial court judge. Under Public Law 427 of 1971, candidates for appointment presented by the Judicial Nominating Commission must be the "most highly qualified candidates." Considerations include the candidate's legal education, legal writings, reputation in the practice of law, physical condition, financial interests, and activities in public service.

The 1970 Constitutional Amendment also established the intermediate appellate court, which had been in existence since 1891 as "the Appellate Court of Indiana," as a constitutional court and gave it a new name, the Court of Appeals of Indiana. The Amendment empowered the General Assembly to establish as many geographic districts for that Court as it determined necessary, but prescribed that each Court of Appeals district consist of three judges. The General Assembly in 1971 created three such districts, then increasing the number of judges serving that Court from eight to nine; in 1978 a fourth district was created, thereby increasing to twelve the number of judges on that Court. In 1991 the number of judges was increased to fifteen with the creation of a fifth district.

(<http://www.in.gov/judiciary/supreme/2367.htm>)

# Indiana Academic Standards for United States Government – Court System

**USG.3.2** Explain the constitutional principles of federalism, separation of powers, the system of checks and balances, republican government or representative democracy, and popular sovereignty; provide examples of these principles in the governments of the United States and the state of Indiana.

## **Resources**

[Teaching Six Big Ideas in the Constitution](#) (National Archives)  
[Four Key Constitutional Principles](#)

**USG.3.3** Identify and describe provisions of the United States Constitution and the Indiana Constitution that define and distribute powers and authority of the federal or state government.

## **Resources**

[Constitution of the United States](#)  
[Indiana Constitution \(1851\)](#)

**USG.3.7** Explain the relationships among branches of the United States government and Indiana government, which involve separation and sharing of powers as a means to limited government.

## **Resources**

[Three Branches of Government](#) (image)  
[Separation of Powers](#)  
[Constitutional Issues; Separation of Powers](#)

**USG.3.11** Analyze the functions of the judicial branch of the United States and Indiana governments with emphasis on the principles of due process, judicial review and an independent judiciary.

## **Resources**

iCivics: [Judicial Branch Resources](#)  
[Judicial Review](#)  
[Indiana Judiciary Website](#)

**USG.3.19** Identify the historical significance of and analyze decisions by the United States Supreme Court about the constitutional principles of separation of powers and checks and balances in such landmark cases as Marbury v. Madison (1803), Baker v. Carr (1962), United States v. Nixon (1974), Clinton v. City of New York (1998) and [Bush v. Gore](#) (2000).

## **Resources**

[Exploring Constitutional Issues: Separation of Powers](#)  
[Landmark Supreme Court Decisions and the Constitution](#)  
[Marbury v. Madison](#)  
[Baker v. Carr](#)

[U.S. v. Nixon](#)  
[Clinton v. City of New York](#)  
[Bush v. Gore](#)  
[Bush v. Gore and the 2000 Presidential Election](#)  
[Landmark Supreme Court Cases](#)

**USG.5.4** Identify and describe the civil and constitutional rights found in the United States Constitution and Bill of Rights and expanded by decisions of the United States Supreme Court; analyze and evaluate landmark cases of the United States Supreme Court concerning civil rights and liberties of individuals.

## **Resources**

[Introduction to the Free Speech Clause](#)  
[What is "Speech"?](#)  
[Right to bear arms](#)  
[A Look at the Fourteenth Amendment](#)

# **SUPREME COURT RESOURCES**

[The “Supreme” in Supreme Court](#)

[Indiana Courts: How do they work?](#)

[Courts in the Classroom-Lesson Plans](#)

[Balancing Federal and State Authority](#)

[With Liberty and Justice for All](#)

[The Power and Importance of Precedent in the Decisions of the Supreme Court](#)

[How History Affects Supreme Court Decisions and Supreme Court Decisions Affect History: A Look at the Fourteenth Amendment](#)

[The Supreme Court: Resources for Educators](#)

[Street Law: Supreme Court Lesson Plans & Teaching Methods](#)

[The Supreme Court: The Judicial Power of the United States](#)

[Justice Teaching Lesson Plans](#)

[The Challenge of Selecting an Ideal Supreme Court Nominee](#)